



Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, California 95110-1795

Hearing Date/Agenda Number:
P.C. 11/29/04 Item: 6.a.1 & 2

File Number:
GP04-05-04 and C04-083

Council District and SNI Area:
5 – N/A

Major Thoroughfares Map Number:
68

Assessor's Parcel Number(s):
484-12-089, -090

Project Manager: Elena Lee

GENERAL PLAN REPORT

2004 Fall Hearing

PROJECT DESCRIPTION:

General Plan amendment request to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8 DU/AC) to Neighborhood/Community Commercial and Conforming Rezoning to change the R-1-8 Residential Zoning District to CP Commercial Pedestrian Zoning District.

LOCATION: West side of North White Road, 300 feet south of
McKee Road (253 and 271 North White Road)

ACREAGE: 1.38

APPLICANT/OWNER:

Rumi Group, LLC

GENERAL PLAN LAND USE / TRANSPORTATION DIAGRAM DESIGNATION:

Existing Designation: Medium Low Density Residential (8.0 DU/AC)

Proposed Designation: Neighborhood/Community Commercial

ZONING DISTRICT(S)

Existing Designation: R-1-8 Residential

Proposed Designation: CP Commercial Pedestrian

SURROUNDING LAND USES AND GENERAL PLAN DESIGNATION(S):

North: Commercial and Residential– Neighborhood/Community Commercial/General Commercial/Medium Density Residential (8-16 DU/AC)

South: Single-family residential– Medium Low Density Residential (8 DU/AC)/Medium Density Residential (8-16 DU/AC)

East: Single-family residential –Medium Density Residential (8-16 DU/AC)

West: Single-family residential –Medium Density Residential (8-16 DU/AC)

ENVIRONMENTAL REVIEW STATUS:

Mitigated Negative Declaration pending

PLANNING STAFF RECOMMENDATION:

Neighborhood/Community Commercial General Plan
Designation and CP Commercial Pedestrian Zoning
District

Approved by:

Date:

PLANNING COMMISSION RECOMMENDATION:

CITY COUNCIL ACTION:

CITY DEPARTMENT AND PUBLIC AGENCY COMMENTS RECEIVED:

- Department of Transportation (DOT) – The proposed land use change would not result in a long-term traffic impact.
- Pacific Gas and Electric (PG&E) – PG&E has no comments.
- Department of Public Works (DPW) – The DPW, Development Services Division, indicated that there are no significant Public Works issues or constraints for this site.
- Santa Clara Valley Water District (SCVWD) – The SCVWD has no comments on the proposed amendment.
- Valley Transportation Agency (VTA) – VTA has no comments on the proposal.
- Fire Department – The Fire Department has indicated that there are no significant fire issues or constraints for this site.

GENERAL CORRESPONDENCE:

- None Received.
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ANALYSIS AND RECOMMENDATIONS:

PROJECT DESCRIPTION

This staff report covers two pending privately initiated applications with the City of San Jose: a General Plan amendment and a conforming rezoning. The applicant, Rumi Group, LLC, is requesting a General Plan amendment and a rezoning to allow for commercial uses on the site. The approximately 1.38-acre site is located on the west side of White Road, 300 feet south of McKee Road (253 and 271 North White Road). The subject property currently has a General Plan land use designation of Medium Low Density Residential (8.0 DU/AC). The proposed General Plan amendment (GP04-05-04) requests to change the

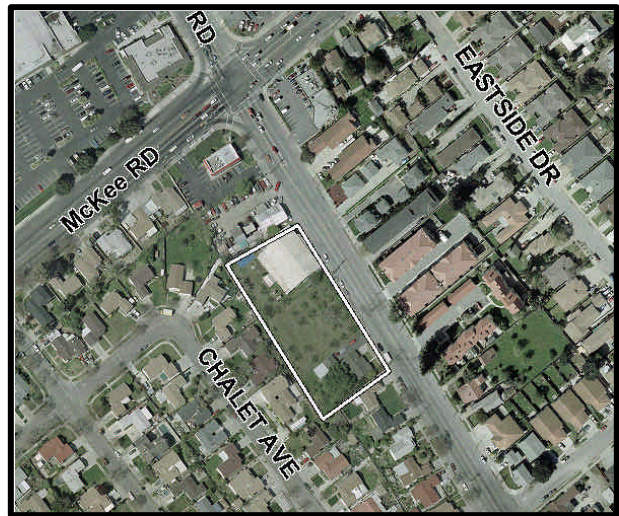
Land/Use Transportation Diagram from Medium Low Density Residential (8.0 DU/AC) to Neighborhood/Community Commercial. The proposed rezoning from R-1-8 Residential to CP Commercial Pedestrian would allow for commercial uses on the site. The property owner is requesting the changes because the existing General Plan designation of Medium Low Density Residential (8.0 DU/AC) and R-1-8 zoning do not allow for commercial uses on the site.

Approval of this amendment could potentially allow redevelopment of the site including demolition of one residential building and one commercial building and the construction of a new commercial building. A Site Development Permit would be required to allow new commercial construction. Currently, an application or a Site Development permit (file no. H04-036) is on file for the subject site.

The existing General Plan designation, Medium Low Density Residential (8 DU/AC), is typified by 6,000-square-foot lots with single-family residences that are characteristic of residential neighborhoods throughout the City. The proposed Neighborhood/Community Commercial land use designation would allow neighborhood and community-serving commercial uses such as offices and retail shops. Future uses in the Neighborhood/Community Commercial designation should develop in the form of shopping centers, as a group of commercial establishments planned and developed as a unit and related in size and type of shops to the area served. Typical uses on sites with this land use designation are neighborhood serving retail and service establishments.

BACKGROUND

The approximately 1.38-acre site is comprised of two parcels and is developed with a single-family residence, a commercial structure and several accessory structures. The commercial building is approximately 10,000 square feet in size and was formerly a fruit processing area when the site had an active orchard. Most recently, the project has been utilized as a commercial flower shop. The residence that occupies the southern parcel is approximately 1,500 square feet in size. The proposed General Plan amendment to Neighborhood/Community Commercial reflects the existing commercial use on the site.



Site and Surrounding Uses

The surrounding land uses include single-family residences to the south and west, commercial uses and residences to the north, and single and multi-family residences to the east. The parcels front onto White Road, which is a minor arterial road. The site is located directly adjacent and within proximity to commercially designated properties that have been developed with a variety of retail and service uses.



Northern Parcel of Project Site



Southern Parcel of Project Site

ENVIRONMENTAL REVIEW

A Draft Mitigated Negative Declaration was circulated on November 10, 2004 for review and comment. The Mitigated Negative Declaration included mitigation measures, both General Plan policies and project level measures, to reduce any potential impacts to a less than significant level per the California Environmental Quality Act (CEQA) guidelines. The Draft Negative Declaration included mitigation measures for Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hydrology, and Noise. With the inclusion of the required mitigation measures, the Director of Planning, Building and Code Enforcement has determined that the project will have a less than a significant impact on the environment.

ANALYSIS

General Plan

The applicant's proposal is consistent with the Major Strategies, goals, and policies of the *San Jose 2020 General Plan*. The General Plan has seven Major Strategies that identify the principles of the Plan. This amendment directly relates to two of the Major Strategies, Economic Development and Sustainable City, as well as the Balanced Community Goal.

The Economic Development Major Strategy supports a healthy community by encouraging more commercial growth to balance existing residential development, providing employment opportunities, and providing a strong economic base for San Jose. The proposed change allows neighborhood businesses to locate close to the neighborhoods they are supposed to support, near to existing commercial uses located at the intersection of McKee and White roads. The Sustainable City Major Strategy encourages achieving a relative jobs/housing balance to reduce traffic congestion, pollution, wastefulness, and environmental degradation. Increasing the amount of land designated as Neighborhood/Community Commercial and allowing new commercial uses should help to create jobs, which in turn furthers the intent of the

Economic Development and Sustainable City Major Strategies. The proposed change is consistent with the General Plan's Balanced Community Goal by providing additional services to the community. The Balanced Community Goal states that communities should be balanced and complete in terms of housing types, economic development, job opportunities and social activities.

Land Use Compatibility

The proposed General Plan designation of Neighborhood/Community Commercial is compatible with the existing neighborhood. The Neighborhood/Community Commercial designation would encourage commercial uses designed to support and be compatible with the existing and planned residential land uses in the vicinity of the site. The site is directly adjacent to an established commercial area located at the intersection of White and McKee Roads. With the proposed land use designation of Neighborhood/Community Commercial, residential, commercial and other non-commercial uses are seen to be complementary uses.

General Plan Urban Design Policy No.1 states that strong architectural and site design controls should be applied to protect and enhance neighborhood character by providing a proper transition between different land uses. Future commercial developments are subject to additional discretionary review and should be designed in conformance with the Commercial Design Guidelines, other City policies, and the Zoning Ordinance to address the relationship and to buffer commercial uses from the adjoining single-family neighborhood. Future development is required to be designed to provide a compatible interface with the adjacent residential neighborhood.

Re-zoning

The proposed CP Commercial Pedestrian zoning district would be consistent with the proposed General Plan land use designation of Neighborhood/Community Commercial. The proposed rezoning would help facilitate the commercial redevelopment of the subject site. The rezoning of the property to CP Commercial Pedestrian furthers the goal of encouraging a neighborhood supporting commercial area. The CP Commercial Pedestrian zoning district requires buildings to be built close to the street, in order to enhance pedestrian accessibility, provide active street fronts, and to de-emphasize the importance of cars.

The CP Commercial Pedestrian zoning district allows for a variety of pedestrian-oriented commercial activity and discourages uses that do not enhance the surrounding neighborhoods. Per Table 20-90 of the Zoning Ordinance, automobile-oriented uses, such as tire sales and car washes are not allowed. Some other automobile-oriented uses, such as car sales are required to have a Conditional Use Permit prior to establishment of the use. The proposed zoning allows for an appropriate variety of commercial uses to support the existing neighborhood, thereby enhancing neighborhood identity.

Future development of the site would be subject to further discretionary review, by the City. The proposed development would be reviewed for conformance with the development regulations of the CP Commercial Pedestrian zoning district, including setback and height requirements, and the Commercial Design Guidelines. The development would also need to provide parking in accordance with the Zoning Ordinance requirements.

PUBLIC OUTREACH

The property owners and tenants within a 1000-foot radius of the amendment site were sent a newsletter regarding the two community meetings that were held on October 6, and 7, 2004 to discuss the proposed General Plan amendment. They also received a public hearing notice regarding the public hearings and Mitigated Negative Declaration to be held on the subject amendment and Conforming Rezoning before the Planning Commission in August and City Council in September. Staff has received one phone call requesting clarification on the proposal, but has not received any other verbal or written correspondence on this amendment and rezoning. In addition, the community can be kept informed about the status of amendments on the Department's web site. Staff has been available to discuss the project with members of the public.

RECOMMENDATION

Planning staff recommends that the Planning Commission forward a recommendation to the City Council to change the Land Use/Transportation Diagram designation from Medium Low Density Residential (8.0 DU/AC) to Neighborhood/Community Commercial.

Furthermore, Planning staff recommends that the Planning Commission forward a recommendation to the City Council, that should the General Plan be amended, to approve the proposed Conforming Rezoning to CP Commercial Pedestrian.

GP04-05-04

